G R. S. 58]

Previous references.

1924
Nil

File No. [illegible]
Serial No. 78 of 24

Later references.

Preserve

GENERAL AND REVENUE SECRETARIAT

Serial Nos. 2

Part B for Briefs

SUBJECT

Bye-laws of Municipal Councils

To
The D C Shimoga
No L 706/24 dt 25
States that the proposal to levy fee on all licences issued from the Rural Office Shimoga cannot be sanctioned

28/7/24

Serial No.

No 0 C 7 59 Ben 24-25 of 14 3 25

Govt

The Deputy Commr, Shimoga &c

Requests sanction of Govt to the Resolution of the Shimoga Town Mcl to the levy of fees on all licenses issued to new hotels, aerated water factories, Bakeries &c

1) Rules for inspecting hotels &c are issued under s 48(b)(c). In the Regn there does not appear to be power for levying license fees for hotels &c If approved the municipal Council may be asked to state under what power they propose the levy. As the Govt Standing Order regarding licenses is meant for Shanbhag a Hotel, Bakery or Aerated Water for orders Govt

from 19/3 HK 25

2) Under Sec 70 of the Mysore Municipalities, the Mysore Councils can levy fees only in cases where they are authorised to issue licenses or permits under rules or bylaws

3) Power to issue licenses can be given under Sec 48 only in regard to cases contemplated by Clause (b) of the said Section. As regards hotels, bakeries & Aerated meat shops, bylaws can be framed only under Sec 100 Clause (c) Regn

Serial No.

for the inspection and cleanliness of the places & the wholesomeness of the articles As regards Aerated Water factories, licences can be issued if they are considered to fall under Sch 1st of the Rule ~~Class~~ like class b (iii) under which they do not seem liable to the proposal is either necessary Considered necessary. The Act may be applied as the case and thereby under which the fees are proposed

1 & 2 Secy)

19/3

4) The municipal council, Shimoga desires to levy a license fee on Hotels, Eating houses attached with factories etc & intend to frame Bye-laws with the sanction of Govt

3) I entertain a serious doubt regarding the legality of framing a Bye-law insisting upon Hotel keepers to take a license on payment of a fee ~~in the~~ In the principles the municipal council are not empowered under the Act to prohibit any person from running a Hotel etc without obtaining a permit or license, ~~Also~~ The council is however free to frame a Bye-law providing for the inspection of Hotels, Eating etc & for ensuring the cleanliness of such places. (vide Sec 68, cl c)

General and Revenue Secretariat.

File No. 58/1 of 19 24

Serial No.

The effect of passing a bye law to take extra licence is to prevent any person from carrying on lawful trade without previous permission of the municipal Council

2) The fundamental principle of Common Law is that every person has an natural right to carry on any calling he chooses & that no restriction should be placed for the exercise of any natural right unless such exercise of right is injurious to the health or comfort etc of another. The legislature has placed restriction on such a natural right solely for in the interest of the public

Such many instances can be pointed in the municipal bye laws itself (Vide Sec 157). Unless the Legislature has expressly given power to the municipal Council to prevent the running of hotels etc, without a permit, the Council would be acting illegally in framing the intended bye-laws.

4) This may kindly be brought to the notice of D.C

Secy Municipality

7560
21/3

Dy
20/3

Dy
23/3

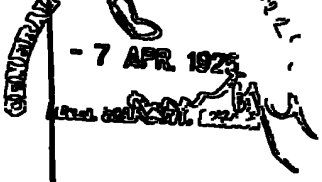
Dy
25/3

Dy
25 3

Notes—Contin. Sheet

G.R.S. III-2] File No. 61 of 19 [illegible] General and Revenue Secretariat

Serial No.



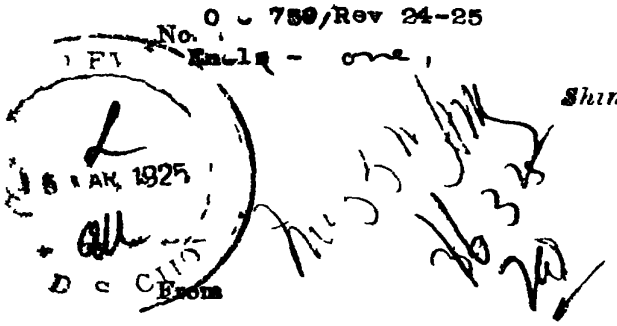
NOTE—Contn. Sheet

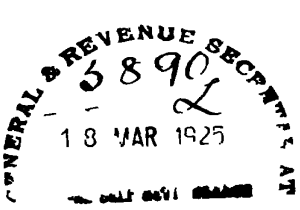
C. 750/Rev 24-25

No.
Encls - one.

OFFICE OF THE DEPUTY COMMISSIONER,
SHIMOGA DISTRICT

Shimoga, Dated the 14th March *1925*





A K Syed Raj Peeran Esq , B A ,
Deputy Commissioner,
Shimoga District

To,

Rev 61-24 — 78

B Nagappa Esq , Bar-at-Law.
Secretary to Government, Local and
Legislative Departments, Bangalore

Sir,

I have the honour to forward herewith copy of letter No 1062 dated the 8th January 1925, received from the President of the Shimoga Town Municipal Council together with its enclosures in original regarding the levy of fees on all licenses issued under the bye-laws relating to Hotels, Eating houses, Aerated water factories, Bakeries, etc, and to request that under the circumstances represented by the President, you will be so good as to obtain sanction of Government to the proposal of the Council to levy the fees on all licenses that may be issued with effect from 1st July 1925

I have the honour to be,

Your most obedient servant,

Commissioner,

Letter no 1062 dated 8th January 1925, from the President, Shimoga Town Municipal Council, Shimoga, to the Deputy Commissioner, Shimoga District

I have the honour to report that the Municipal Council proposed to charge a fee on all licenses issued under the bye-laws relating to the Hotels, Eating houses, Aerated water factories, Bakeries, &c, which was sanctioned in Government order No L 3906-Ml 55-21-25 dated 7th January 1922 A notice was issued to the inhabitants and the same was published locally and also in the Mysore Gazette dated 23rd October 1924

2 Two petitions were received objecting to the levy of fees The managing committee considered the objection petitions in detail but recommended the levy of fees The Council also considered the same and finally resolved on 12th December 1924, that the fee may be levied

I request you to be so good as to obtain sanction of Government to levy the fees on all the licenses that may be issued as from the date of Government order

3 A copy of the Council's resolution and the notices issued lished together with the two objection petitions in original are enclosed herewith

"COPY"

For Deputy Commissioner,
Shimoga District

Proceedings of the Ordinary General Meeting of the Municipal Council held in the Town Hall at 5 P.M. on Thursday the 11th December 1924.

X X X X X X

Recommendations of the Managing committee on the following:-

5. This Office Notification dated 23rd October 1924 published in the Gazette as well as in the Town re the levy of a fee on licenses to run Hotels--- Eating houses Aerated ~~xxxxxx~~ water factories-__ Bakeries and Tiffin rooms.

Resolved that the objections raised by the interested parties are futile and that recommendation be submitted to the Government to authorise the levying of the license fees.

X X X - X X

"Copy"

for President,
Shimoga Town Municipality.

DEC 8 1994
SHIMOGA DISTRICT

(6)

(7)

R. P. Chandavarkar

SHIMOGA TOWN MUNICIPALITY

Notice dated 23rd October 1924

Notice is hereby given to the inhabitants of the Shimoga Town Municipality that the Municipal Council desire to levy a lice se fee on hotel and eating houses aerated water factories etc as noted below —

Any inhabitant of the Municipality bjecting to the ab ve may within one month from the date of the publication of this notice in the *Gazette* send his objections in writing to the President of the Shimoga Town Municipality

Note —The Chief Officer will submit his opinion about the classification in each case for the orders of the President whose orders are final with respect to the classification

	Rs.
(1) First class hotels or eating houses or aerated water factories etc per year	30
(2) First class hotels or eating houses on a moderate scale	20

K. SUBBAYA NAYAK
For *President*

15

[illegible]

[illegible] 23[illegible] [illegible] 1924.

[illegible]

[illegible]

[illegible]

14

[illegible]

15

SHIMOGA TOWN MUNICIPALITY

Notice dated 23rd October 1924.

Notice is hereby given to the inhabitants of the Shimoga Town Municipality that the Municipal Council desire to levy a license fee on hotels and eating houses, aerated water factories, etc., as noted below :—

Any inhabitant of the Municipality objecting to the above may within one month from the date of the publication of this notice in the *Gazette*, send his objections in writing to the President of the Shimoga Town Municipality

Note.—The Chief Officer will submit his opinion about the classification in each case for the orders of the President, whose orders are final with respect to the classification.

	Rs.
(1) First class hotels or eating houses or aerated water factories, etc. per year	30
(2) First class hotels or eating houses on a moderate scale	20

K SUBBAYA NAYAK,
For *President.*

SHIMOGA DISTRICT

Notification dated 12th January 1922.

The following Bye-laws regarding (1) bakeries and sweetmeat shops, etc., (2) sanitation and conservancy (3) other matters relating to municipal administration framed by the Shimoga Town Municipal Council under Sections 48 (1) (g) 48 (1) (u) and 48 (1) (w) respectively of the Mysore Municipal Regulation VII of 1906, and sanctioned by Government in there Order No. L. 3906—Mi 55-21-55, dated 7th January 1922, are hereby published for general information

1 Bye-laws relating to Bakeries and Sweetmeat Shops

1 A bakery or sweetmeat shop includes any building or part of a building used for any process connected with the baking of bread or preparation of sweets or other eatables for sale.

The owner of a bakery or sweetmeat shop or any person who acts as vendor on his behalf shall be taken to be the keeper thereof

1 All premises used as bakeries and sweetmeat shops shall satisfy the following conditions —

(a) The premises shall be sufficiently spacious, well ventilated and suitable for a bakery or a sweetmeat shop, and they shall be provided with good chimneys for the escape of smoke causing no inconvenience to persons residing in the neighbourhood

(b) The premises shall always have a sufficient supply of water for the purpose of thoroughly washing and cleaning such premises.

(c) The walls of every bakery or sweetmeat shop shall be rendered impervious to the extent of four feet from the ground level either by cement or chunam and whitewashed The whole floor shall be either plastered with chunam or paved with flooring tiles or Cuddappah slabs with cement or chunam pointing and the building shall be sufficiently provided with drainage

(d) All bakeries and sweetmeat shops shall be at a respectable distance from any cess-pits or latrine so as to prevent bad odours wafted therefrom, reaching them

(e) No place used as a bakery or sweetmeat shop shall ordinarily be used for any other purposes and if in any specified case the building is used both for residential purposes and for bakeries or sweetmeat shops, the portion used for the latter should be completely separated from that used for the former

3 All utensils and other articles shall be kept clean.

4 The flour sugar ghee, water and other materials used in the manufacture of bread and sweetmeat shall be good and wholesome There shall be a separate store-room or receptacle for flour and sugar and no flour or sugar shall be left lying on the floor or against the wall in any part of a bakery or a sweetmeat shop.

5 All refuse and dirt in and about the premises shall be swept off and the drains well flushed and the premises at all times maintained in a clean and tidy condition

6 No person suffering from a contagious or an infectious or a loathsome disease or who has recently been in attendance on such person or who is unwashed or otherwise unclean shall be employed in a bakery or sweetmeat shop and all kneaders engaged in kneading shall wear clear white linen or cotton aprons to cover entirely the front part of the body from neck to knee.

7 No person shall transport for sale bread or sweetmeat except in a closed vehicle or a closed basket, tin or other receptacle. Every such vehicle, basket, tin, or other receptacle shall at all times be kept thorough clean and no person shall commit any act which may tend to render any bread or sweetmeat which is being transported, dirty or unwholesome.

8. All papers and leaves used for wrapping bread, sweets, etc., shall be clean and stored in a clean rack.

9 Bread sweets, etc., shall be stored and kept for sale, with all reasonable precautions against contamination from flies, dust and bad odours.

10 Every bakery or sweetmeat shop shall submit a written application to the President stating the door No. and street of the intended building or part of building to be used as a bakery or bakery and with endorsement from the Health Officer that intended building is fit for the purpose and after the grant of a license use for the [illegible]

Other matters relating to Municipal Administration

(Section 48 (1) (w))

1 Whoever without the permission in writing of the President destroys any tree, plucks any fruit or flower in any Municipal garden road or other property or whoever cuts or roots up grass so as to damage the sides of embankment of any Municipal road or whoever makes public thorough fare of any Municipal garden or property not intended for such a purpose will on conviction before a Magistrate be liable to a penalty not exceeding Rs 20

2 Any occupier or owner of a house neglecting to enclose his compound or yard with a wall or fence of such material as may be approved of by the President or neglecting to repair any fallen wall or gate piller or to cope the compound wall within one month after a notice has been served on him shall on conviction be liable to a penalty not exceeding Rs 20

3 Any owner of a piece of vacant land who fails to enclose the same with a compound wall or fence of such material as the President may approve of and not keep it clean within one month after a notice has been served on him shall on conviction be liable to a penalty not exceeding Rs 20

4 Any person who vends or hawks meat of any kind or fish in the streets of the Town shall on conviction before a Magistrate be punished with fine not exceeding Rs 10

5 Whoever chops firewood on any public street or road so as to damage the street or road or so as to cause danger inconvenience to the public shall on conviction before a Magistrate be punished with fine which may extend to Rs 20

6 No person shall fish with net rod or otherwise in the Tunga river within Municipal limits without a special license bearing the signature of the President Any person contravening this order shall be liable to a penalty on conviction not exceeding Rs 20 for each offence

B Bhima Rao
For *President*

App.F VI-G1]

SUBJECT

Section [illegible]

File No 6 24

ertn No 87

No L 2/1961

Diary No of letter replied to 5890

General and Revenue Secretariat

( )

the 192

To The Deputy Commr's Chimoga Dt

Date of issue 4 4 1925

Signed by [illegible]

Sir

With reference to your letter No C C 759 Rev 24-25 of 14 3 25 regarding the levy of fees on all licenses to cum hotels etc in the Shimoga Town Municipality, I am directed to state that under the law as at present Standards, the Municipal Councils Can only frame bye laws under Sec 48 (e) of the Municipal Regn, for the inspection of hotels, bakeries, Sweet meat shops and other places for the sale of articles intended for human food or drink other

P.T.O.

List of enclosures

other than those mentioned in
clause (ix) of the said section
and for securing the cleanliness
of such places and the wholesomeness
of the articles prepared, kept
or sold therein and the municipal
officer does not empower the
Council to withhold any person
from running a hotel etc without
a permit or license the Council
will be acting illegally in
requiring licenses in regard to
matters now contemplated —
The proposal of the Chairman
and Council cannot therefore
be sanctioned ——————

I have etc

[illegible] Secy to Council
L & L dept